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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 REGINALD IRVIN,

15 Defendant.

CASE NO. CR11-5408RJB

ORDER DENYING MOTION TO  
SEVER

16 This matter comes before the court on the Motion to Sever filed by defendant Reginald  
17 Irvin (Dkt. 126). The court is familiar with the records and files herein and documents filed in  
18 support of and in opposition to the motion.

19 The defendants were joined in this case pursuant to the authority of Federal Rule of  
20 Criminal Procedure 8(b) and the Motion to Sever is brought pursuant to Federal Rule of Criminal  
21 Procedure 14. The court notes that oral argument was not requested pursuant to Western District  
22 of Washington Local Criminal Rule 12(c)(10).

23 From the showing before the court, it appears that any risk that the joinder would  
24 compromise a specific right of Mr. Irvin is speculative. It further appears that proceeding to trial

1 on all charges in the Third Superseding Indictment will not prevent a jury from making a reliable  
2 judgment about guilt or innocence as to any charge or either defendant. The defendant Irvin has  
3 not borne his burden of showing clear, manifest, or undue prejudice from a joint trial.

4 For those reasons, the Motion is Sever is hereby DENIED.

5 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
6 to any party appearing *pro se* at said party's last known address.

7 Dated this 12<sup>th</sup> day of October, 2012.

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10 ROBERT J. BRYAN  
11 United States District Judge  
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